# Lease Giving Landlord High Power Upheld

Court Sustains Contract En-

Lessor Held Sole Judge

minate the lease on five days' notice, on the ground that the tenant is objectionable, and making the landlord the sole judge of whether the tenant is objectionable. Nor is the landlord required under this form of lease to reveal just what he regards as objectionable on the part of the tenant.

The case at bar was brought by the Waitt Construction Company against Miss Jeanne Lorraine, who occupied an apartment in a house owned by the company. Miss Lorraine refused to move upon receiving notice that the owners considered her objectionable under the terms of the lease. The dispossess proceedings then were brought.

Decision Up to Landlord

upon the landlord's decision to be binding."

Justice Lehman, who wrote the decision of the Appellate Term, pointed out that in the Municipal Court the trial justice dismissed the action on the ground that the lease gives no right to dispossess proceedings and that the clause creates a condition and not a limitation. Miss Lorraine also contended that the landlord had failed to set forth in what respect her tenancy was objectionable.

Complaint To Be Amended

Lessor Held Sole Judge

Property Holder Is Not Required to Reveal What He Regards as Undesirable

Thousands of dispossess cases brought in the Municipal Court against tenants will be affected by a decision just handed down by the Appellate Term of the Supreme Court.

In a case decided on appeal from the Municipal Court, the Appellate Term sustains the validity of a lease wherein the landlord reserves the power to terminate the lease on five days' notice, on the ground that the tenant is objectionable. Nor is the landlord required under this form of lease to reveal just what he regards as objectionable on the part of the tenant.

The case at bar was brought by the Waitt Construction Company was sufficient for the dismissal of the landlord's complaint was the failure of the leand any reasonable grounds for deeming it undesirable, and yet since his option to terminate the lease arises only if he dismissal of the landlord's complaint "based on erroneous grounds." When the landlord has amended his complaint there will be a new trial by order of the Appellate Term, when the dispossess warrant will be granted unless the present ruling is appealed still further to the Appellate Division.

## Hog Island Has Launched

78 Ships Since August, 1918

apartment in a house owned by the company. Miss Lorraine refused to move upon receiving notice that the owners considered her objectionable under the terms of the lease. The dispossess proceedings then were brought.

Decision Up to Landlord

The clause in the lease on which the five days' notice to move was given reads: "If the landlord shall at any time deem as objectionable or improper or undesirable the conduct of the tenant or any occupant the landlord may at his option terminate the same. In this event the right of possession will expire five days after giving notice, and the tenant agrees to give peaceable possession."

Also included in the lease is this clause: "It is further agreed that any

Walpolés Linen Sale

Commences to-day Great Bargains

FIFTH AVENUE Corner THIRTY-FIFTH ST.

DUBLIN



Sponsors New Destroyer

Mrs. Elizabeth Osborne Fisher

New York woman who, with Mrs. Manning H. Cox, of Boston, christened the destroyer Osborne, the last naval craft to be launched at the Fore River plant.

# Mother Fights to Save Home | Aged Pastor Remembered Youngsters in Need of Aid

Mr. "Elder," a devoted father in the Bushwick section of Brooklyn who made yesterday by the Presbyterian

Esterateo

The Chewing Gum from Newport

America's greatest Colony of Fashion is also the Home of Listerated—the Quality Gum.

preserved.

Quality goes to Newport (our raw

materials are the finest obtainable.)

Quality comes from Newport (our

manufacturing processes are scien-

Listerated has won Gold Medals for

tific and antiseptic.)

The National

"Health-Habit"

Use it Daily.

Ten Nuggets Sc.

A special grant of \$10 each was

# Malone Answers Legion's Rejection

debarred from Croton Post of the American Legion because of his alleged radical activities, issued a statement last night in which he declared "any attempt by the American Legion to control opinion by social ostracism will only strengthen the fight for political and

strengthen the fight for political and industrial change."

"My membership in, the American Legion was solicited by a naval officer and filed at least six months ago," said the Malone statement. "I thought then that members of the Legion were organizing to restore that spirit of liberty and tolerance in America for which so many of their comrades had died abroad.

"My opinions are objected to as radical. I have never advocated even a peaceful and orderly change in the form of our government. But I have advocated and shall continue to advocate a return to the Constitution as it was written and not as it is constantly perverted by officials and courts.

"Our country entered the war not only to destroy German imperialism, but for the self-determination of all geoples. And I have urged and shall continue to urge the right of the people of Ireland, India, Egypt and Russia to choose any form of government that seems to them more suited to their needs.

"A constant study of Webster, Lin-

always has provided well for his wife Board of Ministerial Relief and Sus- J. Stanley Brown, was again taken into

# Mt. Vernon Has New Mayor

Dr. Brush, After Eight Terms, Gives Up Office to Kincaid

Final Honors Paid to Osler

OXFORD, Jan. 1.—Christ Church Cachedral was crowded to-day at the funeral services for Sir William Osler. The entire medical faculty of Oxford University was present, as were many other representative men of Oxford and several leaders of the medical profession in London. The Royal College of Physicians, the Royal College of Surgeons and the Royal Society of Medicine were represented by their presidents.

| MRS. DOROTHY F. TOWER, sixty-seven, wife of Charles Putam Tower, a publisher, died Wednesday at her home, 602 West 137th Street. She was well known in East Orause, which is the control of the processing of the seven with the control of the process of the medical profession in London. The Royal College of Surgeons and the Royal Society of Medicine were represented by their presidents.

Schmid Funeral To-day

The funeral of Albert Schmid, the electrician and mechanical engineer associated with the Westinghouse Electric Company, who died Wednesday, will be held this afternoon at 2 o'clock at the Campbell Funeral Church, Broadway and Sixty-sixth Street. The services will be conducted by the Rev. Dr. Nathan Seagle, rector of St. Stephen's Church.

ALFRED HALLAM

Alfred Hallam, sixty, widely known as a musical director and for more that this is the only attitude of vision and understanding worthy of American traditions. This is my simple creed. Membership in the American Legion could not buy it from me.

"And any attempt by the American Legion to control opinion by social ostracism will only strength the fight for political and industrial change."

Prevost Again Arrested

In Brown Murder Case

Former Friend of Mount Clemens Victim Still Refuses to Answer Questions

MOUNT CLEMENS, Mich., Jan. 1.—Floyd Prevost, a former close friend of J. Stanley Brown, was again taken into custody for examination to-day in connection with Brown's death on Decem-

GEORGE FARMER BURGESS

HOUSTON, Tex., Jan. 1.—Goorge Farmer Burgess, fifty-nine, Texas law-yer and a former Representative, died iast night at his home in Gonzales, Tex., according to word received here by his friends.

George Farmer Burgess was born in Wharton County, Tex., and educated in the public schools there. He was admitted to the bar in 1882 and had practiced at Gonzales, Tex., since then. He was County Attorney of Gonzales County for three years and a Presidential elector in 1892. He was a member of the House of Representatives from the Fifty-seventh to the Sixtyfourth Congress, serving from 1901 until 1917,

MRS, JULIA N. FRENCH

MRS. JULIA N. FRENCH
MONTCLAIR, N. J., Jan. 1.—Mrs.
Julia N. French, eighty-eight, widow of
the Rev. Dr. Edward W. French, of
Jersey City, died yesterday at her home
here. She was born in New York City,
on land that was part of her grandfather's farm, at Ceder and Nassau
streets. She was the daughter of the
late Anthony Dey, in whose memory
Dey Street was named. After the
death of her husband, thirty-five years
ago, Mrs. French moved from Jersey
City to Montclair. She is survived by
three daughters, Miss Eleanor French,
Mrs. Benjamin V. Harrison, of Montclair, and Mrs. Noah S. Davis, of Sumlit N. Land agon Albert French of mit, N. J., and a son, Albert French, of Montclair,

mit, N. J., and a son, Albert French, of Montclair,

MRS. LYDIA W. ALLEN

Mrs. Lydia W. Allen. ninety-three, a dinect descendant of Roger Williams, is dead at her home, 52 South Oxford Street, Brooklyn. She was the widow of William L. Allen, who died in 1894. Mrs. Allen came to New York in 1857 from Rhode Island, where she was born. She is survived by four sons, William L. Allen, Martin F. Allen, Z. Nelson Allen and Edwin L. Allen. The funeral will be held this afternoon at 20 °clock, the Rev. Dr. Charles Albertson, of the Lafayette Avenue Presbyterian Church, conducting the services.

BRIGADIER GENERAL A. H. STEAD WILLIAMSPORT, Pa., Jan. 1.—Brig.

FRENCH—At Montalar, Visitation (Street, Special officer at New York Founding Hospital, the belowed father of Mrs. William R. Smith. Funderic from late residence, 1181 2d av., Friday, Uganuary 2, at 9 a. m. Saleran requirem mass at St. Vincent Ferrer's Churchia, 128 Home at., New York Church at 100 °clock.

FRANKEL—On December 39, Max Frankel. Else is survived by two brothers. Mos Frankel, 52 Kearny st. East Orence. N. J. Funeral services at undertaker, at 502 High at. Newark, N. J., on Friday, January 2, at 11 a. m.

FRAZER—Commodore Reah Frazer, U. S. N., on Tuesday, December 39, 1919, at the U. S. Naval Hospital, Navy Yard, Brooklyn, N. Y. Interment on Saturday, January 3, at 11:30 a. m., at Laurel Hill Cemetery, Philadelphia.

FRENCH—At Montalar, New York Church and Saturday January 3. at 11:30 a. m., at Laurel Hill Cemetery, Philadelphia.

BRIGADIER GENERAL A. H. STEAD WILLIAMSPORT, Pa., Jan. 1.—Brigadier General Alfred H. Stead, retired, died suddenly to-night of acute indigestion. He served during the Civil War in the 27th Ohio Regiment and was the first communder of Reno Post, No. 64, G. A. R. He was the first colonel of the 12th Regiment, National Guard of Pennsylvania, and served as such from 1874, when the regiment was organized, until 1888. He was an alderman in Williamsport for forty years.

THOMAS HUME

MUSKEGON, Mich., Jan. 1.—Thomas Hume, millionaire lumberman and associated in business with Charles H. Mackley, the Muskegon philanthropist, died at his home here this morning of pneumonia. Five of his six children were at his bedside. The other son, George Hume, of Fresno, Calif., is enroute hore.

JOHN GILLIES

John GILLIES

John Gillies, eighty-five, for many years a contractor and builder, who constructed many large docks along the Hudson, died of apoplexy Wednesday in. St. Vincent's Hospital, where he went on Monday for treatment for stomach trouble. He was born in Nova Scotia, and for many years lived at 104 Kent Street, Brooklyn. Mr. Gillies erected Drydock No. 2 at the New York Navy Yard and the old bridges at Vernon Avenue and Greenpoint Ave-

# COLUMBUS CIRCLE "BEST REVUE EVER PRODUCED" Jean Bedini's "TWINKLE TOES" Featuring the Best Cast and Chorus on Broadway 7:30-Twice Nightly-11:30 Table d'Hote Dinner - \$1.50 Beefsteak Dinner - - \$1.50 (Convert Charge 50c)

# Clothes FOR JAMES McCREERY & COMPANY

McCreery's

MRS. FLORENCE MAXWELL OVER-TON, wife of Thomas Chalmers Overton, lied yesterday at her home, 31 Rockview Avenue. North Plainfield, N. J. She was been in New York City, the daughter of the late Mr. and Mrs. Lascelles E. Maxwell. She moved to Plainfield in 1906. DOUGLAS HENRY, sixty-nine, a broker, lied Wedneaday night at his home, 1061 St. Nicholas Avenue. He will be buried at Shorehills Cemetery to-morrow, after ser-vices at the Campbell Funeral Church, at 130 in the afternoon.

## **MARRIAGES**

## DEATHS

BARGALLO-Bernard Enrico Bargallo, sud-Crestwood av. and Vista av. N. Y., Friday, January 2, at

terment private.

COGAN—Edward A., president of Weighers'
Union, at his residence, 389 16th st.,
Brooklyn. He is survived by his wife,
sister, Mary, and brother, Richard, former
Register of Deeds and Montrages of
Paterson, N. J. Funeral Saturday, January 3, at 9:30 a. m. A solemn requiem
mass at Holy Name Roman Catholic
Church, Prespect Park West and Prospect
av. Interment in Calvary Cemetery.

PHEFEY—On Weighesday, December 31, at av. Interment in Calvary Cemetery.

DIVFY—On Wednesday, December 31, at his residence, 2065 Crotona av., near 1899h st. Bronx, Patrick Duffy, beloved father of Hugh B. Duffy, the Rev. Francis P. Duffy, John E. Duffy, and Sister Mary Mathlas, and Mrs. M. L. Bird, Funeral mass Saturday morning, 10 o'clock, Church of Our Saviour, 183d st. and Washington av., Bronx. Interment St. Baumond's Cemetery Westelpeaker Kindly

d's Cemetery, Westchester Kindly

GRIFFITMS On Wednesday morning, December 31, 1319, at Brooklyn, Francis W., son of the late Charles T. and Eliza Herriman Griffiths. Funeral services on Friday, January 2, at 2:30 p. m. at the Church of the Messiah, Greene and Clermont avs., Brooklyn.

Church of the Messiah, Greene and Clermont avs., Brooklyn.

HALLAM:—Alfred December 31, Services THE FUNERAL CHURCH (Campbell Bldz.), Broadway at 66th st. on Saturday January 3, at 2 p. m.

HAYNES—At East Orange, N. J., on Tuesday January 39, Edgar John, husband of Mary Elizabeth Hayles, Funeral service will be held at his home, 94 South Munn av., "The Hamilton." East Orange, on Friday, January 2, 1920, at 11 a. m. interment at Grsenwood Cemetery, Brooklyn, Please omit Rowers.

HAYNES—Suddenly, at Evanston, Ill., on Tuescay, December 30, 1919, Louise Covington, beloved wife of Hasbrouck Haynes, of the Coving-ton, of Richmond, Ky., and daughter-inlaw of Mr. and Mrs. D. O. Haynes, of New York. Interment at Richmond, Ky., HICKS—Suddenly, on December 31, 1910,

New York. Interment at Richmond, Ky.

HICKS—Suddenly, on December 31, 1912,
in the 45th year of his age, De Forest
Hicks, beloved husband of Nancy Benedict
and son of the late William Cleveland and
Emily Norwood Hicks. Funeral services
at 10 a. m., Saturday, January 3, at St.
James's Church, corner Madison av. and
71st st. Interment at Summit. N. J.

HILL—On New Year's Day, 1929, at his
home, Springdale, Conn., Jacob Clarkson,
aged 86 years, son of the late Robert Hill
and Susan Clarkson Hill. Funeral services will be neld at Emanuel Chapel,

DEATHS

Cemetery, Philadelphia.

FRENCH—At Montclair, N. J., on Tuesday, December 30, 1919, Julia N. French, in her 88th year, widow of the Rev. Edward W. French, D. D. Funeral private. It is requested that no flowers be sent.

GEIZILER—John, aged 82, after a chort illness. Services Friday, 8 p. m., at his residence, 827 Trinity av. Interment Woodlawn, Saturday, 2 p. m.

STURGES—Suddenly, on Tuesday, December 30, 1919, at his residence, 236 West Passaic av Funeral service Saturday afternoon, 1 o'clock.

STEFFANN—December 31, Romalie, ased 31. Funeral services Chapel Stephen Merritt Burial and Cremation Company, 161, as m.

STURGES—Suddenly, on Tuesday, December 30, 1919, at his residence, 236 West Passaic av Funeral service Saturday afternoon, 1 o'clock.

a. m.

STURGES—Suddenly, on Tuesday, December 30, 1919, at his residence, 236 West Told st., James S. Sturges, son of the late Thomas T. and Susan Sturges of New York City. Funeral services will be held at the Chapel of St. Bartholomew's Church, Park av. and 50th st., on Friday, January 2, 1920, at 10 o'clock a. m.

TITUS—At Summit, N. J., on December 31, 1919, Emma Watson Titus, wife of Oliver C. Titus. Funeral services at 30 Reechwood Rond. Summit, N. J., Friday, January 2, at 3 p. m. Interment Stockbridge, Mass., January 3.

TOWER—Dorothy, on December 31. Services THE FUNERAL CHURCH, Broadway, 66th st. (Frank E. Campbell), Friday, 3 p. m.

TROTT—At Mount Vernon, N. Y. Thurday, January 1, 1920, Eh, in his Schycar, beleved husband of Mary A. Trott Funeral notice later.

VAN DEVATER—On Wednesday, December 31, Elecanor Carolya, beloved daughter wanta T. and Oacar Van Devater, in her 7th year. Funeral service at her late residence, 1224 Delamere pl., Brooklya, N. Y., on Friday, January 2, 8 p. m.

VAN GILDER—At his home in Morristown, N. J., on December 31, 1919, Harry A. Van Gilder, in the 56th year of his age Funeral services will be held at his late residence, 291 Morris at., on Friday, January 2, at 3 o'clock p. m.

WELLS—December 30, 1919, at his home, 138 West 94th st., New York City, Captain Amos Wells, formerly of Ogdensburg, N. Y., Funeral service at the parlors of Charles A. Benedict, 150 West 13th st., Friday morning, January 2, 4, 11 o'clock, Ogdensburg papers piezse copy.



edge of all the factors that enter into the making of a perfect Funeral Arrangement. We employ nearly one hundred carefully selected people. Our Institution of Thirty Years' standing is steadily expanding.

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Flowers for All Occasions. Artistic Funeral Dosigns Our Specialty.

14th Street, mear Fourth Avenue UNDERTAKERS-Chapet & Show Rooma 351 Amsterdam Ave. Tel. 393 Riverside.

Of His Application

"Any Attempt to Control
Opinion by Social Ostracism Will Strengthen the
Fight for Change," He Says

Dudley Field Malone, former Collector of the Port here, who has been debarred from Croton Post of the

# Obituary

ALFRED HALLAM

vost refused to answer questions by the officers, standing on his constitutional rights as he had in refusing to testify at the Coroner's inquest earlier in the week. Neither would he discuss the case when confronted by Mrs. Cecil Vester.

Prosecutor Lynn Johnson to-night declined to say whether he would get

# Brooklyn Woman and Four Presbyterian Board Sends \$10 New Year Gifts to 1,715

Purity and Flavor in London, Paris,

Rome and Brussels. It has an odd,

delicious taste that delights and sat-

isfies and comes to you wrapped

air-tight, freshness and flavor fully

A Treat for All.

Buy a Box of

20 Packages

for a home

supply.

LISTERATED GUM

always has provided well for his wife and children, has gone suddenly insane. Doctors have pronounced his case hopeless. Behind him at home he leaves a young wife, twenty-eight years old,, and four children, all under ten years old. The youngest child was born only this past spring. Mrs. "Elder" is making a brave fight to keep her home together.

She has been doing embroidery work, but her eyes are troubling her and she cannot work up to her former speed. The Brooklyn Bureau of Charities has come to her help with a monthly allownace. Paying the rent is her big problem, although it amounts to only \$15 a month. The bureau appeals for a fund of \$180 to She has been doing embroidery work, but her eyes are troubling her and she cannot work up to her former speed. The Brooklyn Bureau of Charities has come to her help with a monthly allownace. Paying the rent is her big problem, although it amounts to only \$15 a month. The bureau appeals for a fund of \$180 to cover the rent for the next year. Large or small contributions will be acknowledged promptly, and should be mailed to the bureau at 69 Schermer-horn Street, Brooklyn, marked "for 452 TR."

favorable discussion of reducing the age limit of honor roll members from seeventy years to sixty-five years. The Prosecutor Lynn Johnson to-night declined to say whether he would ask a warrant for Prevost. Such action would be taken, however, he stated, if habeas corpus proceedings were instituted.

Mrs. Vester added nothing to her version of the tragedy to-day. So far she is the only person directly charged with Brown's death. Officials are quoted as sa ing they believe she was not responsible, but has knowledge that who were in military service during the age limit of honor roll members from determined to say whether he would ask a warrant for Prevost. Such action would be taken, however, he stated, if habeas corpus proceedings were instituted.

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